JAMES H. BARRETT
Assistant Federal Public Defender
214 West Lincolnway, Suite 31-A
Cheyenne, WY 82001
(307) 772-2781
Fax: (307) 772-2788

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. **13-CR-0018-S**
	)	
THEODORE CHAPUT,	)	
	)	
Defendant.	)	

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE AND SET TRIAL BEYOND SPEEDY TRIAL DATE

Comes now the Defendant, by and through his attorney James H. Barrett, Assistant Federal Public Defender for the District of Wyoming, and respectfully requests this Court vacate and continue his trial presently set for April 29, 2013. In support of this request the Defendant informs the Court as follows:

1. On January 16, 2013, the Grand Jury returned an indictment against the Defendant, alleging two violations of 18 U.S.C. §2252A(a)(5)(B), Possession of child pornography.

2. The Defendant appeared before Magistrate Rankin on January 26, 2013 and was detained pending trial. The Defendant was arraigned the same day , entered a plea of not guilty, and jury trial was scheduled for January, 28, 2013.

3. Counsel has received discovery in this matter and has consulted with the Defendant with regard to his case and has also discussed the probability of a psychosexual evaluation by Dr. Chuck Denison of Laramie, Wyoming.

4. Counsel recognizes that the plea agreement deadline in this matter is currently set at April 19, 2013 and has previously advised the Court that the Defendant was considering executing a plea agreement in this case. Such is still the case, however the Defendant wishes to learn of the results of Dr. Denison's evaluation prior to doing so. Counsel for Defendant does not view this request as being out of line and, indeed, it may be prudent. Dr. Denison has preliminarily advised that he may be able to conduct Defendant's evaluation in mid-June of this year.

4. The evaluation has not yet been conducted and cannot be conducted, completed and a report prepared and completed prior to the present trial date. An adequate review and consideration of the results of the evaluation relate strongly to decision as to a final disposition in this matter. It is expected, however, that this matter will result in disposition by way of agreement and without trial.

5. It is expected that the results of the evaluation will be provided to the government and to the Court and will play a significant role in the final disposition of this matter as relates to both plea and sentence. In summary, the evaluation is of conclusive significance to the parties, the public and to the Court.

6. The Defendant is currently in custody, but counsel believe that there is a good chance that the Defendant will be on bond by time of evaluation and likely much earlier.

7. There is additional good and sufficient reason for the granting of this request for continuance.

8. This Defendant's trial is currently scheduled to begin on April 29, 2013. On May 7, 2013, counsel will be in trial in Cheyenne in the matter of U.S. v. Garcia, et. al., No. 13-CR-004-J. This is a multi-defendant drug prosecution at which three defendant's, including counsel's client, will be going to trial. The Garcia matter has been twice continued to the current trial date as the result of those matters surrounding multi-defendant drug prosecutions such as absent defendant's, late arrests and the like. The matter is now in a posture to proceed to trial on the May 7, 2013 setting and would clearly be in conflict with Defendant Chaput's present trial date.

9. Additionally, counsel for Defendant, Chaput, will also be engaged in trial in Cheyenne as stand-by counsel in bank robbery trial, U.S. v. Donaldson, 13CR-045-J which is scheduled to begin on April 29, 2013. Pro Se counsel in that matter has indicated that, as of the time of this motion, he will be going to trial.

10. As a result, counsel for Defendant has two conflicts with other cases set at or near Defendant Chaput's current trial date.

11. The defendant has executed a waiver of speedy trial and otherwise consents to a

continuance of this matter in order to obtain an evaluation and materials which will finally and fully provide him with information sufficient to make an informed decision in this case. Furthermore, the government has no objection to continuance of this matter

12. Individually or collectively, the requested continuance and the grounds presented herein are in the best interest of the Court, the public and the parties and is furthermore in the interest of justice.

WHEREFORE, the defendant prays that this honorable Court grant the relief prayed for herein and vacate and continue the April 29, 2013 trial date to such time within the next 70 days as may be available to the parties.

Respectfully submitted this 18th day of April, 2013.

Respectfully submitted,

WARREN R. WILLIAMSON
Federal Public Defender, Interim

By: /s/ James H. Barrett
James H. Barrett, Attorney
Assistant Federal Public Defender
214 W. Lincolnway, Suite 31-A
Cheyenne, Wyoming 82001
P. 307-772-2781
F. 307-772-2788

CERTIFICATE OF SERVICE

This is to certify that on this 18th day of April, 2013, I served a true and correct copy of the foregoing **DEFENDANT'S UNOPPOSED MOTION TO CONTINUE AND SET TRIAL BEYOND SPEEDY TRIAL DATE** by electronic filing, upon:

James Anderson
Assistant United States Attorney
Cheyenne, WY 82001

/s/ James H. Barrett
James H. Barrett